

Court of Appeals, State of Michigan

ORDER

People of MI v Marcel Riddle-Bey

Docket No. 279507

LC No. 97-006731

Peter D. O'Connell
Presiding Judge

William C. Whitbeck

Stephen L. Borrello
Judges

The Court orders that the motion to waive fees is GRANTED for this case only.

The motion to remand for an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973) is DENIED.

The motion to amend the application for leave to appeal is GRANTED.

The delayed application for leave to appeal is DENIED for failure to meet the burden of establishing entitlement to relief under MCR 6.508(D).

Borrello, J. would GRANT leave to appeal on the sole question of whether MCL 768.21c should be applied retroactively.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 4 2008

Date

Sandra Schultz Mengel
Chief Clerk